UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/023,245	BERNIER ET AL.
Office Action Summary	Examiner	Art Unit	
	Yasin M. Barqadle	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*09 August 2006*</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Amendment

1.   The amendment filed on August 9, 2006 has been fully

considered but are not deemed persuasive.

*   Claims 1-30 were originally presented for examination.

*   Claims 25-30 were cancelled.

*   Claims 1-24 are presented for examination.

Response to Amendment

2.   Applicant in essence argues the cited references do not

teach processing a data necessary to generate the "data required

for the service" and "processing said data required for service

... to generate input for a ... printer." Pages 5-6. Examiner

notes that the combined references of Kemp and Smith teach the

argued limitation. For example, Kemp teaches "In each of these

cases, the user could submit the print job via Internet 5 from

client/@ home user 1 to service provider 2 where the print job is

processed and printed according to the user's request"(¶ 0035).

Kemp further teaches submitting "… a job ticket request to

service provider server 20 via Internet 5, shown as 50 in FIG. 4.

That is, print driver 282 submits a job ticket that includes the

user's information (including payment type), type of print job to

be printed (black and white, color or photo, finishing options,

etc.), and number of pages contained in the print job, to service

provider server 20" (¶ 0069). "Upon receiving the job ticket and

payment information 50 from print driver 282, service provider

server 20 processes the job ticket to generate a job

identification number and a cost of processing the job." (¶

0070). "User Information tab 73 may also provide for the user to

include a job name or special instructions button 97 for the user

to provide any special instructions. For instance, the user may

want to request some type of special processing not included in

the print driver tabs, such as a color of paper or a type of

finishing not otherwise provided for." (¶ 0054-0056 and ¶ 0067-

0070). Therefore, Kemp clearly teaches the step of providing data

required for the service and processing said data for required

for the service. Smith is relied on to teach user chosen and

designated specific remote printer as shown in the office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically
disclosed or described as set forth in section 102 of this title, if the
differences between the subject matter sought to be patented and the prior
art are such that the subject matter as a whole would have been obvious at
the time the invention was made to a person having ordinary skill in the
art to which said subject matter pertains. Patentability shall not be
negatived by the manner in which the invention was made.

3.   Claims 1-10, 13-18, 21-24 are rejected under 35 U.S.C.

103(a) as being unpatentable over Kemp et al USPUB (20020078160)

in view of Smith, II et al. US. Pub. 20020113994 (hereinafter

"Smith").

As per claim 1, Kemp et al teach a method of providing a service

and generating (providing print service), at the location of a

remote printer, a permanent record of said service, wherein,

before generating the permanent record, data necessary to

provide said service and data necessary to provide said

permanent record are processed by at least one remote server

operated by a service provider (service provider 2,fig. 1)

(abstract and fig. 1), said method comprising the steps:

        (A) receiving over data communication network (Internet 5,

fig.1) at remote service provider receiving center (fig. 1, 2),

from a user operated communications device (fig. 1, 1), a

request for the service and said data necessary to provide the

service (receiving a request for data to be printed at service

provider ¶ 0035; ¶ 0054-0056 and ¶ 0067-0070) including user

provided data identifying and specifying a remote printer and

data regarding how to address and access said remote printer

over a data communications network (user selects remote printer

from a list of favorite service providers and choose the

provider address and type of printer to perform the service

(fig. 5, S116 and fig. 6B, 63), User provides search criteria

for accessing service provider ¶ 0057-0062), said receiving

center comprising at least one service provider operated remote

server (service provider 2, fig. 1 operated remote server 20);

said data necessary to provide the service being processed

to generate data required for the service (¶ 0035-0042);

(B) processing on said service provider operated remote

server said data required for the service and other stored data

to generate input data for a remote printer (fig. 5, S116 and

fig. 6B, 63 ¶ 0037-0041; 0073 and ¶ 0084-0087);

(C) transmitting by said service provider over a data

communication network (Internet 5) to said specific user

designated remote printer said input data (print data is

submitted over the Internet to a selected remote printer at a

remote service provider, fig. 1 ¶ 0020-0023), said input being

rendered by the remote printer as the permanent record of said

service (¶ 0038-0042; ¶ 0048-0053 and ¶ 0069-0070. see also ¶

0085-0087).

Although Kemp shows substantial features of the claimed

invention including "service provider server 20 could be setup

to automatically process the print job data upon receipt and

manual operator intervention would not be required" (¶ 0073 and

fig. 5, S116 and fig. 6B, 63), he does not explicitly show user

chosen and designated specific remote printer. Nonetheless, this

feature is well known in the art and would have been an obvious

modification of the system disclosed by Kemp, as evidenced by

Smith USPN. (20020113994).

In analogous art, Smith whose invention is about printing

portable-selected information, disclose "a portable device

prints using a printer by transferring print information to the

printer via the Web. The portable device makes wireless

connection with the Web (network 103) via an internet service

provider (ISP) 117 to transfer information to user equipment 113

for printing on the printer 115. This information can include

truncated information to be directly printed on printer 115, and

can include one or more references to a content rich full-

information set residing on or accessible to the equipment 113

[¶ 0033 ; see fig.1 and fig. 7D]. Giving the teaching of Smith,

a person of ordinary skill in the art would have readily

recognized the desirability and the advantage of modifying Kemp

by employing the system of Smith to allow a user to access

versatile printing options that allow any time and anywhere

printing of a desired information [Col. 2, lines 6-65].

As per claim 2, Kemp et al teach the method of Claim 1 wherein

the receiving center comprises a receiving server (fig. 1,

server 20).

As per claim 3, Kemp et al teach the method of Claim 2 wherein

step (B) farther comprises the steps providing said data

required for the service to a printing server (¶ 0035-0037); and

generating the input data for a specific printer at the printing

server (¶ 0070-0071 and ¶ 0085).

As per claim 4, Kemp et al teach the method of Claim 1 wherein

step (B) further comprises:

completing a transaction at a transaction server, said

transaction depending on the requested service, said transaction

server being one of said remote servers (fig. 1 and ¶ 0056).

As per claim 5, Kemp et al teach the method of Claim 2 wherein

step (B) further comprises:

completing a transaction at a transaction server, said

transaction depending on the requested service, said transaction

server being one of said remote servers (fig. 1 and ¶ 0056).

As per claim 6, Kemp et al teach the method of Claim 1 further

comprising the step of:

sending, after step (B) a message confirming that the request

for service has been fulfilled (¶ 0066).

As per claim 7, Kemp et al teach the method of Claim 2 further

comprising the step of:

sending, after step (B) a message confirming that the request

for service has been fulfilled (¶ 0066).

As per claim 8, Kemp et al teach the method of Claim 1 wherein

step (B) further comprises:

processing the data for the service and other data to

generate input data to produce the optimal quality print for a

specific printer (¶ 0041, ¶ 0070-0071 and ¶ 0085).

As per claim 9, Kemp et al teach the method of Claim 2 wherein

the receiving server is a printing Server (fig. 1, server 20).

As per claim 10, Kemp et al teach the method of Claim 2 wherein

the receiving server is a service server (fig. 1, server 20 and

¶ 0039).

As per claim 13, Kemp et al teach the system of Claim 15 wherein the requested service is an image (¶ 0036-0038).

As per claim 14, Kemp et al teach the method of Claim 1, wherein the requested service is a compound document (¶ 0036-0039).

Regarding claim 15, this is a system claim with similar limitations as claim 1 above. Therefore, it is rejected with the same rationale.

As per claim 16, Kemp et al teach the system of Claim 15 further comprising:

     means for completing a transaction at a transaction server, said transaction depending on the requested service, said transaction server being one of said remote servers (fig. 1 and ¶ 0056).

As per claim 17, Kemp et al teach the system of Claim 15 further comprising:

     means for sending, after processing the data required for the service, a message confirming that the request for service has been fulfilled (¶ 0066).

As per claim 18, Kemp et al teach the system of Claim 15 further comprising:

means for processing the data for the service and other

data to generate input data to produce the optimal quality print

for a specific printer (¶ 0041, ¶ 0070-0071 and ¶ 0085).

As per claim 21, Kemp et al teach the system of Claim 15 wherein

the requested service is an image (¶ 0036-0038).

As per claim 22, Kemp et al teach the system of Claim 15 wherein

the requested service is a compound document (¶ 0036-0039).

As per claim 23, Kemp et al teach the system of Claim 15 wherein

the receiving center comprises a receiving server (fig. 1,

server 20 and ¶ 0038-0042).

As per claim 24, Kemp as modified by Smith teach the system of

Claim 15 further comprising:

means for providing said data required for the service to a

printing server (fig. 1, server 20 and ¶ 0039); and

means for generating the input data for a specific printer

at the printing server (fig. 5, S116 and fig. 6B, 63 ¶ 0038-0042

¶ 0073).

4.   Claims 11-12 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemp et al USPUB (20020078160) in view of Sehr US. Pub. (20020100802) and further in view of Smith.

Regarding claim 11 and 19, although Kemp et al show substantial features of the claimed invention, he does not explicitly show wherein the requested service is an event ticket. Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Kemp et al, as evidenced by Sehr US Pub. (20020100802). In analogous art, Sehr whose invention is about services offered by service providers at remote locations, such as advanced ticket purchasing stations, automated vending machines, travel agencies and entertainment entities, or providers of on-line services to traveling individuals, discloses providing an event ticket service [¶ 0029 and 0054]. Giving the teaching of Sehr, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Kemp et al by employing the system of Sehr because this will improve quality of service offered to customers using ticket dependant events to participate the event with a minimal delay.

As per claim 12 and 20, Sehr teaches the method of Claim 1 and

15, wherein the requested service is a coupon [redeemable points

in a card ¶00 47 and 0053].

Conclusion

5.   **ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action

is set to expire **THREE MONTHS** from the mailing date of this

action. In the event a first reply is filed within **TWO MONTHS**

of the mailing date of this final action and the advisory action

is not mailed until after the end of the **THREE-MONTH** shortened

statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

The prior made of record and not relied upon is considered

pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Yasin

Barqadle whose telephone number is 571-272-3947. The examiner

can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Glenn Burgess can be

reached on 571-272-3949. The fax phone numbers for the

organization where this application or proceeding is assigned

are 703-872-9306 for regular communications and 703-746-7238 for

After Final communications.

Any inquiry of a general nature or relating to the status

of this application or proceeding should be directed to the

receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be

obtained form the Patent Application Information Retrieval

(PAIR) system. Status information for published applications may

be obtained from either private PAIR or public PAIR system.

Status information for unpublished applications is available

through private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have

questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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